

AMENDED IN ASSEMBLY MAY 6, 2009
AMENDED IN ASSEMBLY APRIL 22, 2009
AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1372

Introduced by Assembly Member Feuer

February 27, 2009

An act to add Article 4.4 (commencing with Section 110540) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1372, as amended, Feuer. Food processing establishments: Hazard Analysis *and* Critical Control Point plans.

Under existing law, the California Food Sanitation Act, a food processing establishment is required to satisfy prescribed sanitation requirements for purposes of food safety. A violation of these provisions is a misdemeanor.

This bill would require a food processing ~~establishment~~ *facility* to adopt and implement a Hazard Analysis *and* Critical Control Point (HACCP) plan, as prescribed, including provisions for the testing of food and ingredients for the presence of specified hazards to public health. The bill would also impose reporting and recordkeeping requirements on food processing ~~establishments~~ *facilities*, as specified. The bill would impose these requirements commencing January 1, 2012, or January 1, 2013, depending upon the gross annual revenue of the food processing ~~establishment~~ *facility*.

This bill would require the State Department of Public Health to establish minimum standards and requirements for the HACCP plans, and review adopted plans for compliance. This bill would also require the department to conduct inspections, as prescribed, and would authorize the department to increase its annual inspection fee to include, but not exceed, the cost of this additional inspection component. The bill would require a food processing ~~establishment~~ *facility* to test its food and ingredients, as prescribed.

Because this bill would create a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 4.4 (commencing with Section 110540)
2 is added to Chapter 5 of Part 5 of Division 104 of the Health and
3 Safety Code, to read:

4
5 Article 4.4. Hazard Analysis *and* Critical Control Point Plan

6
7 110540. (a) A food processing ~~establishment~~ *facility* in this
8 state that generates more than ____ dollars (\$____) of gross annual
9 revenue shall adopt and implement a Hazard Analysis *and* Critical
10 Control Point (HACCP) plan by January 1, 2012. ~~The minimum~~
11 ~~contents of the plan shall be prescribed by the department. 2012.~~

12 (b) A food processing ~~establishment~~ *facility* in this state that
13 generates less than ____ dollars (\$____) of gross annual revenue
14 shall adopt and implement an HACCP plan by January 1, 2013;
15 ~~the minimum contents of which shall be prescribed by the~~
16 ~~department.~~

17 (c) The department shall, by regulation, establish the minimum
18 requirements of a general HACCP plan by ~~February 1, 2010~~
19 *January 1, 2011*. The regulation shall, at a minimum, adhere to
20 the Hazard Analysis *and* Critical Control Point principles and

1 application guidelines adopted by the National Advisory
2 Committee on Microbiological Criteria for Foods and shall provide
3 do both of the following:

4 (1) Describe the procedures used at the ~~establishment~~ facility
5 to prevent the presence of hazards, including, but not limited to,
6 poisonous or deleterious substances or other contaminants that
7 may render finished foods or ingredients manufactured at the
8 ~~establishment~~ facility injurious to health. The procedures shall
9 include, but need not be limited to, preventive controls, monitoring
10 to ensure the effectiveness of preventive controls, and records of
11 corrective actions, including, but not limited to, actions taken in
12 response to the presence of known hazards.

13 (2) Provide for regular testing of samples or specimens of
14 ingredients and final product at the ~~establishment~~ facility for the
15 presence of poisonous or deleterious substances or other
16 contaminants that may render the food and ingredients injurious
17 to health.

18 ~~(d) In complying with this section, a food processing~~
19 ~~establishment~~

20 *(d) A food processing facility shall conduct testing in a manner*
21 *consistent with the standards presented in the federal Food and*
22 *Drug Administration's ~~Bacterial~~ Bacteriological Analytical Manual*
23 *and standards developed by the Association of Analytical*
24 *Communities International and the International Organization for*
25 *Standardization, as these standards are in effect immediately*
26 *preceding January 1, 2010. Standardization.*

27 110541. (a) A food processing ~~establishment~~ facility shall
28 report to the department, within 24 hours, any test result that is
29 positive for poisonous or deleterious substances or other
30 contaminants.

31 (b) A food processing ~~establishment~~ facility shall maintain a
32 record of all testing that is conducted pursuant to this article for a
33 period of not less than ____ years. The food processing
34 ~~establishment~~ facility shall make these records available to the
35 department for inspection upon request.

36 110542. (a) The department, in implementing this article, may
37 do any or all of the following:

38 (1) Adopt rules and regulations that establish minimum standards
39 and requirements for a product-specific HACCP plan.

1 (2) Review all HACCP plans, as adopted by the food processing
2 ~~establishment~~ *facility*, for purposes of determining that the HACCP
3 plan meets the requirements of Section 110540 and any applicable
4 rules and regulations.

5 (b) The department shall conduct inspections to ensure that a
6 food processing ~~establishment~~ *facility* is in compliance with its
7 HACCP plan.

8 The inspections shall be conducted as a component of the
9 department's inspection pursuant to Section 110466 and the fee
10 charged for inspection pursuant to Section 110466 shall be
11 increased by an additional amount of up to ____ dollars (\$____)
12 to cover, but not exceed, the cost of the inspection component
13 related to compliance with this article.

14 (c) The department, upon reasonable grounds to suspect that
15 food or ingredients, or both, at a food processing ~~establishment~~
16 *facility* may be injurious to health, may order that ~~establishment~~
17 *facility* to test samples or specimens of its food or ingredients, or
18 both, for the presence of any poisonous or deleterious substances
19 or other contaminants.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.